

## **REMARKS**

### ***Disposition of the Claims***

Upon entry of the amendments herein, Claims 11-17 are pending in the instant application. Claims 18-20 are withdrawn and Claims 1-10 have been cancelled.

In order to make Claims 12 and 13 consistent with Claim 11 from which they depend, Applicants have amended these claims to delete the phrase "X<sup>2</sup> is -O-, -C(=O)- or -CH<sub>2</sub>-".

Applicants have amended withdrawn process Claims 18 and 19 to indicate that they depend from Claim 11. Applicants have amended withdrawn process claim 20 to correct a clerical error by replacing "X" with "X<sup>2</sup>" in paragraph (i)(F).

No new matter has been added.

### ***Rejection of Claims 12 and 13 for Obviousness-Type Double Patenting Over US 7,288,537***

The Examiner has withdrawn the obviousness-type double patenting rejection for Claims 11 and 14-17 but has maintained the rejection of Claims 12 and 13 because the definition of X<sup>2</sup> still includes -O-, -C(=O)- or -CH<sub>2</sub>-.

Applicants have amended the claims to be consistent with the definition of X<sup>2</sup> in Claim 11. Therefore, Applicants request that the rejection be reconsidered and withdrawn.

### ***Rejoinder of Process Claims 18- 20***

In the restriction requirement mailed on March 4, 2009, the Examiner indicated that withdrawn process claims that depend from or otherwise require all the limitation of allowable product claims will be considered for rejoinder.

Since Applicants' process Claims 18-20 depend from product Claim 11 and require all of the limitations of the product claims and Applicants believe the product claims are in condition for allowance, Applicants respectfully request that the process claims be rejoined with the product claims.

CONCLUSION

It is respectfully submitted that this application is in condition for allowance.

If there are any remaining issues or the Examiner believes that a telephone conference with the Applicants' Attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at (617)-871-7802.

Applicants believe that no fees are due with this filing other than the fee for filing the Notice of Appeal and the petition for a one-month extension of time. However, if any additional fees are required, the Commissioner is authorized to charge Deposit Account No. 50-4409 in the name of Novartis for any fees due.

Respectfully submitted,

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